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5 **Attorneys for Plaintiff**

6 UNITED STATES DISTRICT COURT
7
8 DISTRICT OF NEVADA

9 BEVERLY J. EZRA, an individual,

Case No.: 2:16-cv-00486-RFB-PAL

10 Plaintiff,

vs.

**PLAINTIFF'S REQUEST TO
WITHDRAW HER MOTION FOR
LEAVE OF COURT TO AMEND THE
COMPLAINT AND FIRST AMENDED
COMPLAINT ON FILE HEREIN**

11 WEITZ & LUXENBERG, P.C., a New York
professional corporation, BRISTOL-MYERS
12 SQUIBB AND COMPANY, a Delaware
corporation; MEDICAL ENGINEERING
13 CORPORATION, a Wisconsin corporation;
and DOES and ROES I through XX, inclusive,

14 Defendants.
15

16 COMES NOW BEVERLY J. EZRA, Plaintiff, by and through her attorney, ALAN S.
17 LEVIN, MD, JD, and hereby submits her Request to Withdraw Her Motion for Leave of Court to
18 Amend the Complaint on file herein.

19 **SUMMARY OF RELEVANT FACTS**

20 The sole purpose of filing Plaintiff's Motion for Leave to Amend the Complaint, was to
21 assure that all parties named in the subject Complaint are placed on notice of the pending lawsuit
22 for Breach of Contract, Breach of Covenant of Good Faith and Fair Dealing, Misrepresentation,
23 Fraud and Deceit, and Intentional Infliction of Emotional Distress. There are three (3) entities so
24

1 named, WEITZ & LUXENBERG, P.C., (“W&L”), BRISTOL-MYERS SQUIBB COMPANY
2 (“BMS”) and MEDICAL ENGINEERING CORPORATION (“MEC”).

3 W&L and BMS were duly served and have responded via Motions which are
4 presently before this Court along with Plaintiff’s oppositions to said motions. However, several
5 attempts to serve MEC through their listed registered agent CT Corp. resulted in the refusal of
6 the registered agent to accept service of process as stated in Plaintiff’s Motion for Leave to
7 Amend.

8 Subsequent to the filing of the Motion for Leave to Amend, BMS by and through its
9 attorneys of record, CHAD R. FEARS, ESQ. and JOSHUA COOLS, ESQ. agreed to accept
10 service of process of the Complaint on behalf of MEC as a wholly owned subsidiary of BMS.

11 Pursuant to this Agreement, a “Waiver of the Service of Summons” has been executed
12 and filed with the Court rendering the need to amend the Complaint moot.

13 Accordingly, and in the interest of judicial economy, Plaintiff respectfully requests that
14 the Court grant Plaintiff’s Request to Withdraw the referenced Motion For Leave of Court to
15 Amend the Complaint and First Amended Complaint on file herein.

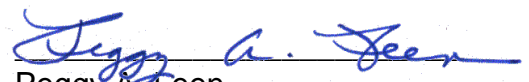
16 DATED this 31st day of August, 2016.

17 ALAN S. LEVIN, P.C.

18
19 BY: /s/ Alan S. Levin

ALAN S. LEVIN, MD, JD (Nevada Bar No. 7062)
Post Office Box 4703
Incline Village, Nevada 89450
Attorneys for Plaintiff

22 **IT IS SO ORDERED** this 6th day of September, 2016.

23 
24 Peggy A. Leen
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August, 2016, I served a copy of the foregoing
**PLAINTIFF'S REQUEST TO WITHDRAW HER MOTION FOR LEAVE OF COURT
TO AMEND THE COMPLAINT AND FIRST AMENDED COMPLAINT ON FILE
HEREIN** to all parties in this action via electronic service via the CM/ECF service system to the
following:

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